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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,792	06/28/2001	Mikko Kanerva	930.333USW1	7109

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EXAMINER

PEREZ GUTIERREZ, RAFAEL

ART UNIT PAPER NUMBER

2686

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,792

Applicant(s)

Kanerva

Examiner

Rafael Perez-Gutierrez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on December 6, 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 24-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 24-45 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 June 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Action is in response to Applicant's response to non-compliant amendment filed on December 6, 2004. **Claims 24-45** are now pending in the present application. **This Action is made FINAL.**

Specification

2. The disclosure is objected to because of the following informalities:

- a) On **page 6 line 8**, insert --be-- before "fixed";
- b) On **page 10 line 25**, insert --,-- after "details";
- c) On **page 11 line 14**, insert --,-- after "i.e."; and
- d) On **page 17 line 15**, insert --in-- after "is".

Appropriate correction is required.

Claim Objections

3. **Claims 39 and 41** are objected to because of the following informalities:

- a) On **line 2 of claim 39**, delete "is" after "criteria"; and
- b) On **lines 3 of claim 41**, insert --second-- before "station".

Appropriate correction is required.

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless -- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24-34, 36-41, and 43-45 are rejected under 35 U.S.C. 102(b) as being anticipated by **Tognazzini (EP 0 810 803 A2)**.

Regarding **claim 24**, Tognazzini discloses a telecommunications system comprising a first station and a plurality of second stations (*Fig. 10, items 1000-1040; Fig. 12, items 1210-1240*), the first station (“caller”) being arranged to request a connection (“query”) with at least one of said plurality of second stations (*col. 3, lines 6-9*), said connection request comprising a location criteria to be satisfied by at least one second station (*col. 3, lines 36-42*), wherein there are provided at least one store (memory, database) for storing location information for at least some of said second stations (*col. 3, lines 36-42 and lines 50-52*) and selection means (Input) for selecting at least one of the second stations for connection in dependence on the location information stored in the store (Input means such as touching an icon who represents a “second station”, subsequently selecting said station in accordance with a location information stored (GPS location data); *col. 13, lines 13-42*).

Regarding **claim 25**, and as applied to claim 24, Tognazzini discloses the aforementioned system, wherein at least one store (memory medium) is provided for storing location information for at least some of said second stations and/or said first station (*col. 4, lines 18-28*).

Regarding **claim 26**, and as applied to claim 24, Tognazzini discloses the aforementioned

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system, wherein at least one processor (CPU; *Fig. 1, item 100*) is provided for providing location information for at least some of said second stations and/or said first station (*col. 6, lines 35-38; col. 7, lines 14-17*).

Regarding **claim 27**, and as applied to claim 24, Tognazzini discloses the aforementioned system, wherein the first station attempts to initiate a connection with any second station satisfying the location criteria (Wherein a caller or a single station originates a query and those stations satisfying the query criteria respond, thereby connecting or establishing communications with said stations, furthermore said criteria concerning location information; *col. 11, lines 16-56; col. 3, lines 50-52*).

Regarding **claim 28**, and as applied to claim 24, Tognazzini discloses the aforementioned system, wherein the first station is arranged to initiate a connection with a second station satisfying the location criteria (*col. 11, lines 16-56; col. 3, lines 50-52*) and falling in a predetermined group of second stations (Wherein a driver, caller, or single station queries other stations falling in a predetermined group, said group relative to the transmission range within the vicinity of the caller posing the query; *col. 13, lines 12-22; Fig. 15*).

Regarding **claim 29**, and as applied to claim 28, Tognazzini discloses the aforementioned system, wherein a predefined location criteria is associated with the predetermined group (A predefined location criteria such as the closeness or vicinity relative to the transmission range between the caller and the other stations; *col. 13, lines 12-22; Fig. 15*).

Regarding **claim 30**, and as applied to claim 28, Tognazzini discloses the aforementioned system, wherein the predetermined group has a predetermined identifier associated therewith (An

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identifier such as the location or vicinity criteria predefined by a caller or a response packet associated with a globally unique identifier, furthermore such identifier being a service identifier such as requested Medical Services; *col. 13, lines 12-22; col. 13, line 50 thru col. 4, line 4; Fig. 15; col. 16, lines 30-35*).

Regarding **claim 31**, and as applied to claim 28, Tognazzini discloses the aforementioned system, wherein the predetermined group is defined by the user of the first station (The station comprising configuration means such as I/O for defining a group satisfying a location criteria; *col. 7, lines 29-57*).

Regarding **claim 32**, and as applied to claim 24, Tognazzini discloses the aforementioned system, wherein means are provided for determining which stations satisfy the location criteria (Location means such as GPS, *col. 13, lines 4-7*).

Regarding **claim 33**, and as applied to claim 32, Tognazzini discloses the aforementioned system, wherein information as to which second stations satisfy the location criteria is sent to the first station (Information conveyed into the caller map display showing those stations satisfying the criteria; *col. 13, lines 13-22*).

Regarding **claim 34**, and as applied to claim 33, Tognazzini discloses the aforementioned system, wherein the first station comprises means for selecting said at least one of said second stations based on said information (Selecting one particular station of those satisfying the criteria by touching an icon representing that particular station from the map display information; *col. 13, lines 34-42*).

Regarding **claim 36**, and as applied to claim 32, Tognazzini discloses the aforementioned

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system, wherein the determining means is arranged to attempt connections to second stations satisfying the location criteria randomly (Selecting a station which satisfies the location criteria without any specific order; *col. 13, lines 12-38*).

Regarding **claim 37**, and as applied to claim 24, Tognazzini discloses the aforementioned system, wherein at least one of said second stations is arranged to be able to prevent a connection with the first station if the first station has made a connection request based on the location of the at least one second station (Wherein those stations satisfying the location criteria could optionally prevent connection with the requesting station; *col. 13, line 50 thru col. 14, line 8*).

Regarding **claim 38**, and as applied to claim 24, Tognazzini discloses the aforementioned system, wherein at least one of said stations is arranged to permit a connection only with predefined first stations if the first station has made a connection request based on the location of said at least one station (Wherein a connection is made upon a query satisfying a location criteria; *col. 13, lines 4-49*).

Regarding **claim 39**, and as applied to claim 24, Tognazzini discloses the aforementioned system, wherein a second station satisfying the location criteria receives a message indicating that a first station wishes to make contact therewith (A message such as "Are you there" or displaying the location of the caller when the criteria is satisfied; *col. 10, lines 23-24; col. 13, lines 51-57*).

Regarding **claim 40**, and as applied to claim 39, Tognazzini discloses the aforementioned system, wherein the second station receiving said message is arranged to indicate if the call is to be accepted (The called station comprising means for optionally answering the call; *col. 13, line*

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57 thru col. 14, line 8).

Regarding **claim 41**, and as applied to claim 24, Tognazzini discloses the aforementioned system, wherein said connection request also comprises information identifying at least one second station (Information identifying the station such as location, status, history, license plate; *col. 3, lines 50-52; col. 10, lines 47-51*) and a call is made between said first and the identified at least one second station only if the location criteria is satisfied (Communication channels provided for the requesting or caller station and the at least one station satisfying the criteria; *col. 3, line 53 thru col. 4, line 8*).

Regarding **claim 43**, and as applied to claim 24, Tognazzini discloses the aforementioned system, wherein the first station and/or at least one of said second stations is a mobile terminal (Cellular station; *col. 9, lines 50-51*).

Regarding **claim 44**, and as applied to claim 24, Tognazzini discloses the aforementioned system, wherein said first station and/or at least one of said second stations is a fixed terminal (Fixed station; *col. 9, lines 50-51*).

Regarding **claim 45**, Tognazzini discloses a method for use in a telecommunications system comprising a first station ("caller") and a plurality of second stations (*Fig. 10, items 1000-1040; Fig. 12, items 1210-1240*), the method comprising the steps of: defining at the first station a location criteria to be satisfied by at least one second station (*col. 3, lines 36-42*); requesting a connection ("query") with at least one second station satisfying said criteria (*col. 3, lines 6-9*); determining which of said second stations satisfy said criteria (Searching through a database based on a query for satisfying a criteria; *col. 3, lines 36-42*); selecting at least one of

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the second stations satisfying said criteria in dependence on stored location information (i.e., by touching an icon who represents a “second station”, subsequently selecting said station in accordance with a location information stored (GPS location data); *col. 13, lines 13-42*); and establishing a connection between said first station and said at least one second station satisfying said location criteria (Wherein a caller or a single station originates a query and those stations satisfying the query criteria respond, and after the caller selects said at least one second station satisfying said location criteria, a communication link is opened between the caller and said at least second station; *col. 3, lines 50-52, col. 11, lines 16-56, and col. 13 lines 13-42*).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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6. **Claim 35** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tognazzini (EP 0 810 803 A2)** in view of **Nojima (U.S. Patent # 5,933,080)**.

Regarding **claim 35**, and as applied to claim 32, Tognazzini discloses the aforementioned system. Tognazzini fail to clearly specify wherein the determining means is arranged to define an order in which connections to second stations satisfying the location criteria are to be attempted.

In the same field of endeavor, Nojima discloses an emergency calling system wherein an order in which connections to an emergency contact database are arranged according to emergency priority and location information (*col. 3, lines 37-42; col. 4, lines 15-31*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Tognazzini system for establishing communications in accordance with a location criteria to include prioritized calling or connection means as taught by Nojima for the purpose of automatically selecting a contact according to the circumstances of an emergency situation.

7. **Claim 42** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tognazzini (EP 0 810 803 A2)** in view of **Taylor (U.S. Patent # 5,809,418)**.

Regarding **claim 42**, and as applied to claim 41, Tognazzini discloses the aforementioned system, wherein if the second station does not respond at the time the connection request is made, the system is arranged to make the call at a subsequent time and establish connection with the called station if the requesting user is an authorized high level user (*col. 14, lines 28 thru col. 15, line 2*). Tognazzini fail to clearly specify making the call at a subsequent time when the

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second station satisfies the location criteria.

In the same field of endeavor, Tayloe discloses a method and an apparatus for making a call connection between a source communication unit and a target communication unit, wherein if a call attempt is not successful the system predicts an appropriate time for initiating a call, thereby attempting to make a call at said time, the prediction based on a position criteria (*col. 2, lines 41-51*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Tognazzini system for establishing communications in accordance with a location criteria to include call attempting prediction means as taught by Tayloe for the purpose of providing a high probability when establishing a call in a satellite communication system.

Response to Arguments

8. Applicant's arguments filed on September 24, 2004 have been fully considered but they are not persuasive.

Consider **claims 24 and 45**, Applicant basically argues, on pages 8-10 of the remarks, that Tognazzini fails to disclose or suggest selection means for selecting at least one of the second stations for connection in dependence on the location information stored in the store.

The Examiner respectfully disagrees with Applicant's argument because Tognazzini clearly discloses said selection means in column 13 lines 12-42 where it is disclosed that a first

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station is provided with icons on a display screen that represent a plurality of second stations that meet the location criteria and wherein, when an icon is touched (i.e., selected) on the display screen, a communication link is open (i.e., a connection is established) between the first station and the selected second station. This teaching by Tognazzini clearly meets the claimed selection means.

Therefore, in view of the above reasons and having addressed Applicant's argument, the previous rejection is maintained and made FINAL by the Examiner.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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10. Any response to this Office Action should be **faxed to (703) 872-9306 or mailed to:**

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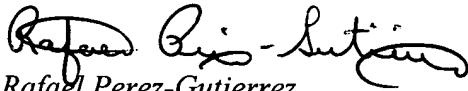
11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (571) 272-7915. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.



Rafael Perez-Gutierrez

R.P.G./rpg **RAFAEL PEREZ-GUTIERREZ**
PATENT EXAMINER

May 28, 2005